

**CITY OF BROKEN ARROW
PLANNING COMMISSION MEETING
MINUTES
June 12, 2003**

The Planning Commission Agenda for this meeting was posted on June 6, 2003, at 4:30 p.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, June 12, 2003, at 5:00 p.m.

2. Present: Robert Goranson, Chairman
Renate Caldwell, Vice Chairperson
Mike Lester, Commission Member
Johnnie Parks, Commission Member
Ricky Jones, Commission Member

Absent None

Staff Present: Farhad K. Daroga, City Planner
Brent Murphy, Ass't City Planner
Karl Fritschen, Staff Planner
Joyce Snider, Admin Ass't
April Parnell, Ass't City Attorney
Justin Cook, City Engineer
Jeff Westfall, Engineering Dept
Don Slone, Community Development Coordinator

4. The Commission considered the minutes of the regular Planning Commission meeting held May 22, 2003. **Motion** by Renate Caldwell to approve the May 22, 2003, minutes as presented. The motion was seconded by Ricky Jones.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Abstain: Lester

Motion Approved

5. The Commission considered the Consent Agenda. Brent Murphy reviewed each item on the Consent Agenda.

Ricky Jones said he has a possible conflict of interest on Item 4D, since his firm represented Walgreen's and did the original engineering on this project, although his firm has had nothing to do with either the original landscape plan nor this requested revision.

Motion by Mike Lester to approve the Consent Agenda, as recommended by Staff, excluding Item No. 4D. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion approved

Ricky Jones left his seat.

- 4A. PT03-111, DN03-141, Vandever West Kentucky Fried Chicken preliminary plat, 0.80 acres, C-2, Joe E. Donelson (Engineer). The applicant was not present. This item was approved as recommended by Staff.
- 4B. PT03-112, DN03-142, Washington Lane II preliminary plat, 13.34 acres, 52 lots PUD 135A, BAZ 1580, Lynn Lane, one-half mile south of Washington Street (Independent Design Consultant (Engineer)). The applicant was present. This item was approved as recommended by Staff.
- 4C. PT03-108, DN03-129, Record-Walker Tract conditional final plat, 1.85 acres, 2 lots, I-1, BAZ 1589, end of West Detroit Street, south of the MK&T Railroad, Joe Glenn, (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4D. ST02-136, DN02-172, revision of Pecan Grove Walgreen's Store landscape plan, 3600 Washington Street, Sack & Associates (Applicant). The applicant was present. **This item was removed from the Consent Agenda.**
- 4E. ST03-121, DN03-139, Popeye's Restaurant site plan, 1450 East Kenosha, Kenosha Crossing, PUD 92, Crafton, Tull & Associates, Inc., (Applicant). The applicant was present. This item was approved as recommended by Staff.
- 4F. ST03-122, DN03-135, Steininger Warehouse East site plan, Tract B, Lot 2, Block 3, Dobbs Park, Cynthia Steininger (Applicant/Owner). The applicant was present. This item was approved as recommended by Staff.
- 4G. ST03-123, DN03-135, Steininger Warehouse West site plan, Tract A, Lot 2 Block 3, Dobbs Park, Cynthia Steininger (Applicant/Owner). The applicant was present. This item was approved as recommended by Staff.
- 4H. BAL 329, DN03-113, Lot 3, Block 1, New Tulsa Estates, Thomas and Dollie Shaw. The applicant was not present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM CONSENT AGENDA**

- 4D. The Commission considered ST02-136, DN02-172, revision of Pecan Grove Walgreen's Store landscape plan, 3600 Washington Street, Sack & Associates (Applicant). Brent Murphy presented the background, saying this project is on the northwest corner of Olive Avenue and Washington Street. A landscape plan was approved by the Planning Commission on March 13, 2003. He said the revised landscape plan being presented at this meeting meets the landscaping requirements of the City, with 22 trees and 158 shrubs. The plan previously approved called for 31 trees and 200 shrubs for the frontage along both Olive Avenue and Washington Street for this 2.5 acre lot.

Bob Goranson asked if there were any changes in the hardscaping like fencing. Brent Murphy said there was not and outlined the fencing shown in the original plan.

4D. continued

Ted Sack, Sack & Associates, said he represented Hetcher Construction, and said Walgreen's has a problem with maintaining landscaping, so they want to meet the Broken Arrow ordinance, but make it easier for them to maintain the landscaping. Discussion followed.

Mike Lester said this was almost a 40% reduction of what was originally submitted and agreed upon. He said some people might have protested, had they known the landscaping was going to be 40% less, even though this revised plan will meet the Code. He said it would be a disservice to the people in that area to reduce the plan at this late date. He asked if there has been any discussion of the eight-foot screening fence with the neighbors.

Ted Sack said no change has been made to the fence and it has not been discussed with the neighbors to his knowledge. He said he was not aware until today that there were any problems with the neighbors.

Janice McKinney, 1909 South Palm, asked if the landscaping is to be in front of the building on 129th and 91st only or around the north and west sides of the building also.

Bob Goranson said it will be on 129th and on Washington Street and some on the north, next to the residential area.

Ms. McKinney said she drove by the Walgreen's at 101st and Yale and there were 62 trees at that location and 150 Liriope shrubs in addition to other material and flowers. She said it would be unfair to accept this change.

Brent Murphy said the landscaping on the north side is not adjacent to the residential area on that side of the property, but is about 150 feet from it.

Kelly Rash, 2005 South Palm Avenue, said she wrote a letter asking that the landscaping be kept as originally approved. She said the proposed fence would be behind her back yard and she didn't want a second fence next to her fence, thereby creating a trap. She said she would like the developer to meet with the neighborhood and develop a better plan.

Mike Lester asked Staff if the northern portion of the (Walgreen's) tract could be sold as a separate tract and it is not being included in this landscaping plan. Brent Murphy said the northern portion is not included in the landscaping plan and that portion is zoned C-2. He said Lot 1 is 2.7 acres and Lot 2 is 2.5 acres, which are the minimum lot sizes for the C-2 district, so a zone change would be necessary for a lot split or platting to take place. He said the proposed fence is shown adjacent to the existing residential fence. Discussion followed.

Ron Walker, 1908 South Palm Avenue, asked who owns the property. Ted Sack said he didn't know.

Brent Murphy said the property owner is listed on the application as 91st & Olive Associates, LLC. Mr. Walker asked who would maintain the property and the landscaping. Discussion followed.

Ron Whitaker, 3809 West Vandalia, applauded Ricky Jones for stepping down during this discussion. He said the present fence around Pecan Grove is maintained through the Homeowners Association.

4D. continued

Mr. Whitaker said they could either do without the fence or make it similar to the existing fence. He agreed with Mr. Sack that they should meet with the Homeowners Association and the developer and Walgreen's to work out an agreement. He said he was surprised that this was brought back to the Planning Commission after it had been approved. He asked that this request be tabled for two weeks so the issues could be worked out.

Jim Mainer, 3709 West Urbana, said Walgreen came in here with a good plan and they should have known that was what people wanted and it was unfair for them to come back after the building was built and ask for this change.

Robert Bell, 3717 West Toledo Street, said no one has explained how close the proposed fence is going to be. Discussion followed regarding whether the proposed fence should be installed and how the landscaping is going to be maintained.

Ted Sack said the screening fence that is being looked at is no different from the one originally proposed. The present contractor is working under time constraints and if there is a delay, he will put in the original landscaping and install the fence.

Bob Goranson outlined the alternatives available to the Planning Commission. Discussion followed regarding other alternatives, including forwarding this matter to the City Council if the issues cannot be resolved at this meeting.

Bob Goranson asked Mr. Sack how close they planned to put the proposed fence to the existing fence. Mr. Sack said probably one-foot from the existing fence.

Danny Henry 3805 West Urbana, said far more trees were taken down than were originally anticipated and when the adjoining lot is developed, more trees will come down and he would like to see as many trees replenished as possible. He said he would like to see Walgreen's stick with their original landscape plan.

Ms. McKinney asked if it could be decided tonight to leave the existing fence as it is, an eight-foot fence, take the money that would have been spent on the new fence and spend it on landscaping. She asked if there is a dollar amount assigned to the fence. Discussion followed regarding how the landscaping will be maintained.

Johnnie Parks asked Mr. Sack if he will appeal this if the revision is denied. Mr. Sack said he would not. The Commission discussed the alternatives available. April Parnell said if this revision is approved, the homeowners could appeal that decision to the City Council. Further discussion followed.

Renate Caldwell said the neighbors have an eight-foot fence and they do not want another one.

4D. continued

Ted Sack said he couldn't agree more, that it would be nice to just eliminate the proposed fence if they could go with a modified landscape plan, maybe add a few more trees. Mr. Sack said more trees may be placed along that fence at the time the lot develops. He said to put in trees now and try to keep them alive during construction of this undeveloped tract isn't very realistic. He said he could meet with his client and see if he was willing to do that and meet with the neighbors. Discussion followed.

Mike Lester asked if the Planning Commission could waive the screening fence. Farhad Daroga said they could and there are two separate issues regarding the fence. The Zoning Code requires commercial businesses to be screened from residential property. When the existing fence deteriorates, the commercial developer/property owner will have to replace it. The other option is to defer construction of the fence. Discussion followed.

Robert Bell asked about the positioning of the two fences and that was discussed. There were approximately 15 people present.

Motion by Mike Lester to deny the revised landscaping plan as submitted and defer the fence until a later date. The motion was seconded by Johnnie Parks.

Yes: Parks, Lester, Caldwell, Goranson

No: None

Motion approved

Bob Goranson said the applicant has 14 days to appeal this denial to the City Council.

Mr. Whitaker asked how the homeowners could find out if this matter is appealed.

Brent Murphy said the homeowners could sign their names and addresses and they would be notified if this matter is appealed.

Ted Sack asked for clarification of the motion. He was told that the revision of the landscape plan was denied, thereby confirming the original plan and the construction of the fence has been deferred until the existing fence needs to be replaced.

Ricky Jones returned to his seat.

6. The Commission considered BAZ 1602, 2.12 acres, R-1 to C-3, 300 feet south of Washington (91st) Street on the east side of Aspen Avenue, Gregory Alberty (Applicant). Farhad Daroga said this site is located on the south side of Braum's on the southeast corner of Washington Street and Aspen Avenue. Based on the Comprehensive Plan, Staff recommends approval, subject to the property being platted. He said this tract is part of a 17 acre tract and it is south of five other commercial parcels that have developed on Washington Street. The access to this property is further to the east and has access on to the west side on Aspen Avenue, but this 17 parcel has a small 50-foot frontage left for potentially a future street on the south side of this tract. Part of this property may be landlocked.

6. continued

Bob Goranson said they need to be careful that none of the property becomes landlocked. Farhad Daroga said the owner is landlocking part of his own land, not only landlocking for – utilities, storm water drainage flowing, vehicular access, etc. He said he thought the applicants are aware of this and will address it. He said there is no problem on the zoning of this property.

Greg Alberty, representing the applicant, Oklahoma Central Credit Union, who he said is under contract to purchase this property, said he met with Staff and this application is in conformance with the Comprehensive Plan and the uses in the area of the property. He said he is in agreement with Staff recommendations, subject to the plat approval.

Mike Lester asked the applicant if he has talked to the property owner about platting and Mr. Alberty said he had not and he is not sure what the owner's intentions are in regard to the remainder of the land. Mike Lester asked Mr. Alberty if he understood that the Planning Commission action will have a bearing on the platting requirement. Farhad Daroga said the platting of the entire property is not necessary. He said this recommendation was made to bring this matter to light. Discussion followed. Farhad Daroga said as the lots are developed they are being raised and water is standing on the undeveloped lots. So there is a drainage problem and a mosquito problem and the neighbors are complaining.

There were no protestants present. Bill Richards, representing the property owner, and Wayne Alberty were also present.

Farhad Daroga said Staff recommends approval of BAZ 1602, subject to platting of 2.123 acre site.

Motion by Johnnie Parks to recommend approval of BAZ 1602, and amend item No. 2, so the conditional final plat can be for the 2.123 acres. The Motion was seconded by Mike Lester.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion approved

Bob Goranson said this item will be heard by the City Council in their meeting of July 7, 2003, at 7:30 p.m.

11. **DISCUSSION ITEMS**

None.

12. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF
(NO ACTION)**

None.

9. **Motion** by Mike Lester at 6:12 p.m. to adjourn. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion approved